

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARTIN EDWARD LEWIS,

Plaintiff,
v.

JODY WEIS, and GARRY F. McCARTHY,
in their capacity as
SUPERINTENDENT OF POLICE,
CHICAGO POLICE DEPARTMENT,
CITY OF CHICAGO, ILLINOIS,
an Illinois municipal corporation,

Defendants.

2013 APR -5 PM 4:40
FILED
4/15/2013
13cv2604
Judge Durkin
Mag. Judge Rowland
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

No.

JURY DEMANDED

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT

Plaintiff brings this suit based on 42 U.S.C. Section 1983, under the Civil Rights Act of 1871, Fourth and Fourteenth Amendments for wrongful arrest, malicious prosecution, discrimination based on race by an officer of the Chicago Police Department with the cause of action accruing from the arrest of April 7, 2011 at O'Hare Airport, American Airlines Terminal 3, to acquittal by a jury panel duly seated in the Circuit Court of Cook County on July 11, 2012.

1. Plaintiff Martin Edward Lewis, who is black, was arrested on April 7, 2011 at Chicago's O'Hare International Airport, Terminal 3 by Police Officer Glowacki, Badge #15743, an undercover plain-clothes police officer of the Chicago Police Department. The arrest occurred at 7:55 a.m., well within the business hours of

American Airlines, the tenant of the Terminal 3 building. Plaintiff was taken into custody for two hours to a Police Station in the Jefferson Park neighborhood where he was processed, mugshot and fingerprinted before being released. He was given a court date of May 31, 2011 in which to appear before Judge Thomas J. Byrne of the Circuit Court of Cook County, Branch 23. The case was continued by Judge Byrne, Judge Clarence L. Burch, and Judge Stanley L. Hill until a July 11, 2012 jury trial date was set at the 26Th Street and California Avenue courthouse, Criminal Court Room 100. Judge Peggy Chiampus presided of the 12-member jury. Upon presentation of the prosecution's case, the State rested with the calling of the Police Officer Glowacki, who made the arrest, to give testimony on the witness stand. The State provided no collaborating witnesses and no videotape or surveillance grab of the alleged offense. The defense called no witnesses and the plaintiff did not testify on the stand. The jury was given instructions by Judge Chiampus, and went into deliberations in a closed jury room. After 10 to 15 minutes, the jury returned a verdict of NOT GUILTY. On July 26, 2012, plaintiff filed for an expungement of the arrest from his history and record. With the Illinois State Police given no objection, the Circuit Court of Cook County granted the expungement request on November 27, 2012. The Illinois State Police and the Chicago Police Department in February, 2013 followed by expunging all of their records of the arrest, with mug shots and fingerprints expunged as well.

2. The cause of action arises when the Plaintiff, an American Airlines Advantage frequent flyer, was at O'Hare Airport per the instructions of the 800 toll-free

the airport is closed, between 12:00 a.m. to 5 a.m. with several posted warning signs all over Terminal 3.

4. The arrest was made by Police Officer Glowacki, Badge #15743, a white/Caucasian Chicago Police Officer, plain-clothes and undercover.
5. The arrest was made under color of State law.
6. 42 U.S.C. Section 1983 precludes and infringement of Constitutional rights under the Fourteenth Amendment. The Chicago Police Department is a department of the local government, the City of Chicago, itself a municipal corporation chartered by the State of Illinois. 42 U.S.C. Section 1983 precludes racial discrimination under color of State law as it restricts the actions of the States. Section 1983 makes it unlawful for anyone acting under the authority of state law to deprive another person of his or her rights under the Constitution or federal law.
7. Plaintiff maintains that racism played a major role in the motive behind the arrest.
8. The Chicago Police Department represents by this arrest a State participation in this act of racial discrimination, an act of governmental misconduct.
9. The Fourteenth Amendment limits the power of the States. The Equal Protection Clause applies to the State government and its agents. It therefore applies to the City of Chicago and the Chicago Police Department, its officers and their acts during the course of their employment.
10. Defendants clearly violated Plaintiff's rights under the Fourteenth Amendment with a public act of racial discrimination and governmental misconduct.



CHICAGO POLICE DEPARTMENT
3510 South Michigan Avenue/Chicago, Illinois
60653
Identification Section



CRIMINAL HISTORY REPORT

CPD-31903C (REV. 7/04)

LEWIS, MARTIN E

IR # **2104212**

SID #

FBI #

IDOC #

Current Arrest Information:

Date of Birth: **27-DEC-1958**

Age: **52 years**

Place of Birth: **ILLINOIS**

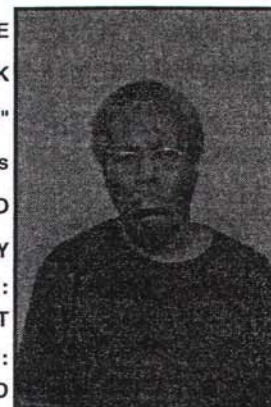
SSN #: **335-56-6532**

Drivers License #: **L20056558368**

Drivers Lic. State: **ILLINOIS**

Scars, Marks & Tattoos:

CPD photo



ACCESS AND REVIEW

IDENTIFICATION SECTION
POLICE DEPARTMENT
3510 S. MICHIGAN AVE.
CHICAGO, ILLINOIS 60653

DATE: **JUL 26 2012**

SIGNATURE



MALE

BLACK

5'08"

150 lbs

EYES: BRO

HAIR: GRY

HAIR STYLE:

SHORT

COMPLEXION:

MED

Key Historical Identifiers:

Alias or AKA used	Date Used	Dates of Birth Used	Social Security Numbers Used
LEWIS, MARTIN E	07-APR-2011	27-DEC-1958	335-56-6532

Criminal Justice Summary: Total arrests: **1** (0 Felony, 1 Misdemeanor)

Total convictions: **0**

ARREST

Arrest Name: **LEWIS, MARTIN E**

Date of Birth: **27-DEC-1958**

DCN or CB: **018114285**

Officer: **GLOWACKI**

Arrest Date: **07-APR-2011** Holding Facility: **CPD - DISTRICT 016**

Arrest Address: **3 W DOOR D ST CHICAGO, IL 60666**

Residence: **7821 S RHODES AVE CHICAGO, IL 60619**

Officer Badge#: **15743** Arresting Agency: **CPD**

Count Class Type Statute

Arrest Charge Description

Inchoate

[1] A M 720 ILCS 5.0/21-5

Criminal Trespass To State Land

OFFENSE AS CITED

End of Report

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

19-JUL-2012 13:06

Requested by: PC01755

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 11120663901

MARTIN E LEWIS

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-5/21-5

M A

CRIMINAL TRESPASS TO STAT

The following disposition(s) was/were rendered before the Honorable Judge(s):

04/12/11 BOND SET BY RULE OF COURT	05/31/11 1223
05/31/11 MOTION DEFT - CONTINUANCE - MD	07/07/11 1223
BYRNE, THOMAS J.	
07/07/11 MOTION DEFT - CONTINUANCE - MD	08/08/11 1223
BYRNE, THOMAS J.	
08/08/11 MOTION DEFT - CONTINUANCE - MD	09/08/11 1223
HILL, STANLEY L.	
09/08/11 MOTION DEFT - CONTINUANCE - MD	10/07/11 1223
F/ATTY	
BYRNE, THOMAS J.	
10/07/11 MOTION DEFT - CONTINUANCE - MD	11/07/11 1223
BYRNE, THOMAS J.	
11/07/11 MOTION DEFT - CONTINUANCE - MD	12/07/11 1223
F/ATTY	
BYRNE, THOMAS J.	
12/07/11 MOTION DEFT - CONTINUANCE - MD	02/07/12 1223
F/ATTY	
BYRNE, THOMAS J.	
02/07/12 PUBLIC DEFENDER APPOINTED	
BYRNE, THOMAS J.	
02/07/12 JURY DEMAND BY DEFENDANT	02/14/12 6146
BYRNE, THOMAS J.	
02/14/12 MOTION DEFT - CONTINUANCE - MD	03/06/12 6146
CWX	
BURCH, CLARENCE, LEWIS	
03/06/12 APPEARANCE FILED	
CHIAMPAS PEGGY	
03/06/12 MOTION FOR DISCOVERY	
CHIAMPAS PEGGY	

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
PEOPLE OF THE STATE OF ILLINOIS

Page 002

VS

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03/06/12 PUBLIC DEFENDER APPOINTED

CHIAMPAS PEGGY

03/06/12 BEHAVIOR CLINIC EXAM ORDERED

CHIAMPAS PEGGY

04/23/12 6146

04/23/12 WITNESSES ORDERED TO APPEAR

CHIAMPAS PEGGY

04/23/12 CONTINUANCE BY AGREEMENT

CHIAMPAS PEGGY

07/11/12 6146

07/11/12 COMPLAINT AMENDED

CHIAMPAS PEGGY

07/11/12 PLEA OF NOT GUILTY

CHIAMPAS PEGGY

07/11/12 WITNESSES ORDERED TO APPEAR

CHIAMPAS PEGGY

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 07/26/12

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

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FOR THE NORTHERN DISTRICT OF ILLINOIS
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Judge Durkin
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JURY DEMANDED

NOTICE OF FILING

TO: Department of Law
City of Chicago
Suite 1020
30 North LaSalle Street
Chicago, Illinois 60602-2580

Department of Law
Chicago Police Department
3510 South Michigan Avenue
Chicago, Illinois 60653

RECEIVED

APR X 5 2013

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

On April 5, 2013, I filed this **Complaint Seeking Compensatory and Punitive Damages Against Defendants and Motion for Appointment of Counsel as well as Motion to Proceed In Forma Pauperis**, a copy of which is attached hereto and hereby served on you.

Martin Edward Lewis
7821 South Rhodes Avenue
Chicago, Illinois 60619-3013

PROOF OF SERVICE

I, Martin Edward Lewis, pro se, certify that I served a copy of the above documents on petitioner's attorney by:

Sending through U.S. first class mail delivery to Department of Law, Chicago Police Department, 3510 South Michigan Avenue, Chicago, Illinois 60653 and City of Chicago, Department of Law, Suite 1020, 30 North LaSalle Street, Chicago, Illinois 60602-2580, prior to 5:00 p.m. on April 5, 2013.

Martin Edward Lewis